

DOCKET NO.: 275791US6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 2621

Yasuo NOMURA

SERIAL NO: 10/054,212

EXAMINER: WENDMAGEGN, G.

FILED: January 22, 2002

FOR: RECORDING AND PLAYBACK APPARATUS AND METHOD, PROGRAM
STORAGE MEDIUM, AND PROGRAM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

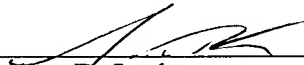
This request is being filed with a Notice of Appeal and a Request for Extension of Time Under 37 C.F.R. 1.136 for 2 Months.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Registration No. 40,073

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 07/05)

Michael L. Gellner

Registration No. 27,256

DOCKET NO: 275791US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YASUO NOMURA : EXAMINER: WENDMAGEGN, G.
SERIAL NO: 10/054,212 :
FILED: JANUARY 22, 2002 : GROUP ART UNIT: 2621
FOR: RECORDING AND PLAYBACK :
APPARATUS AND METHOD,
PROGRAM STORAGE MEDIUM,
AND PROGRAM

REASONS FOR REQUEST

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Claims 1, 5, 6 and 8-10 were rejected under 35 U.S.C. § 102(e) as anticipated by Sasaki et al. Claims 2-4 (dependent on Claim 1) were rejected under 35 U.S.C. § 103(a) as obvious over Sasaki et al. in view of Seo. These reasons will briefly address two differences between each of Claims 1, 5, 6, 8 and 10 (the independent claims) and Sasaki et al.

Referring briefly to Fig. 1 of the application, writing section 12 records audio-visual (AV) data on hard disc 13 using a first encoding system. One example given is the MPEG 2 system. See the specification at page 11, lines 1-8. After recording is proceeding, conversion section 19 which includes a conversion section 20 converts the data read out by read out section 15 to a second coded system to be recorded on the hard disc. One example given is MPEG 1 format. See the specification, page 11, line 22 to page 12, line 12. That is, data that

has been recorded in a first coded format is read out, converted to a second coded format and then recorded in the new (second) format onto the hard disc.

Each of the independent claims recites conversion from a first coded data to a second coded data. See Claim 1, lines 13-15; Claim 5, lines 13-15; Claim 6, lines 13-15; Claim 8, line 6; and Claim 10, line 7.

It is respectfully submitted that Sasaki et al. does not disclose converting first coded data to second coded data. Referring to Fig. 5 of Sasaki et al., data that has been recorded on the hard disc in MPEG 1 code format is read out and decoded by MPEG 1 decoder 26. Then data is removed by frame decimator 27 which, in one example, can remove one frame in four. See column 13, lines 46-62. Then the decimated data is re-recorded after compression by MPEG 1 encoder 19. Thus, the decimated data is recorded using the same coding system format MPEG 1. It is respectfully submitted that the Sasaki et al. disclosure does not meet the claimed recitation of a second coded data or a second coding system because it discloses recording using the same code format as the original recording format.

A second difference between the independent claims and Sasaki et al. has been noted. In Applicant's specification particularly in the paragraph beginning on the last line of page 14 through page 17, line 11, one example is described with reference to Fig. 4 in which the conversion process from one coded data system to another is executed simultaneously with the recording process. This aspect of the claimed invention is found particularly recited in Claim 1, line 19 ("execute the respective processes simultaneously with the recording process"); Claim 5, line 19 ("executed simultaneously with the process of the first recording step"); Claim 6, line 9 ("executed simultaneously with the process of the first recording step"); Claim 8, lines 7-8 and Claim 10, lines 8-9 ("converter automatically converts said first coded data into said second coded data with a recording process").

It is respectfully submitted that Sasaki et al. does not disclose performing the frame decimation processing of Fig. 5 during the original recording process. Rather in column 13, lines 36-41 Sasaki et al. explicitly states that the decimation process described beginning with line 46 starts “if the viewer does not start watching a program within two hours after the recording time, the video data which was recorded previously is updated (emphasis added).” Note that with reference to Fig. 2 Sasaki et al. contemplate recording a two hour program. The reference only discloses updating by re-recording after the original recording is finished. Simultaneous updating with the first recording is not disclosed in the reference.

Accordingly, it is respectfully submitted that Sasaki et al. does not anticipate any of Applicant’s claims and that all the pending claims, Claims 1-6 and 8-10, are patentable. Allowance of the application is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

BDL/MLG/yst



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Michael L. Gellner
Registration No. 27,256